

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 06, 2016

SEAN F. MCVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON LEE SUTTON,

Plaintiff,

v.

BERNARD WARNER, DONALD
HOLBROOK, STEVEN FLEENOR,
and RACHEL SMITH,

Defendants.

NO: 4:15-cv-05123-MKD

ORDER FOLLOWING HEARING ON
DEFENDANTS' MOTION FOR STAY
OF DISCOVERY (ECF No. 83),
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER
DENYING STAY OF SUMMARY
JUDGMENT (ECF No. 96) , AND
PLAINTIFF'S ORAL MOTION FOR
AN EXTENSION OF TIME (ECF No.
103)

ACTION REQUIRED

BEFORE THE COURT are (1) Defendants' Motion to Stay Discovery
(ECF No. 83); (2) Plaintiff's Motion (**ECF No. 96**) construed as a Motion for
Reconsideration of the Court's previous Order (ECF No. 91) Denying Plaintiff's
Motion for Stay of Summary Judgment Proceedings Pending Transfer of Sutton;
and (3) Plaintiff's oral Motion for an Extension of Time to File Response to
Defendants' Motion for Summary Judgment (ECF No. 103). On December 6,
2016, the Court conducted a telephonic hearing to consider these matters. The

ORDER FOLLOWING HEARING ON DEFENDANTS' MOTION FOR STAY OF
DISCOVERY, PLAINTIFF'S MOTION FOR RECONSIDERATION OF COURT'S DENIAL
OF MOTION TO STAY SUMMARY JUDGMENT PROCEEDINGS, AND PLAINTIFF'S
ORAL MOTION FOR AN EXTENSION OF TIME - 1

1 Court has reviewed the motions, the record, and the files herein, and is fully
2 informed.

3 **IT IS ORDERED** that Plaintiff's Motion for Reconsideration of Order
4 Denying Stay of Summary Judgment (**ECF No. 96**) is **DENIED**. Plaintiff's oral
5 motion (**ECF No. 103**), however, for additional time to respond to Defendants'
6 Motion for Summary Judgment is **GRANTED**. The previous scheduling order
7 (ECF No. 87 at p. 6) is amended only as follows:

8 Plaintiff's response to summary judgment shall be filed by **December 30,**
9 **2016**.

10 Defendants shall file any reply by **January 13, 2017**.

11 A telephonic hearing shall be conducted **Wednesday, January 18, 2017, at**
12 **9:00 a.m.** Counsel for Defendants shall facilitate Plaintiff's participation. The
13 parties shall call the Court's conference line 877-336-1828, Access Code:
14 3873484#, Security Code: 5123, no later than five minutes prior to the time
15 scheduled.

16 **IT IS FURTHER ORDERED** that Defendant's Motion for Stay of
17 Discovery (**ECF No. 83**) is **DENIED**, with the right to re-file at a later time.

18 With respect to Plaintiff's scheduled deposition of inmate Travis Newell at
19 Stafford Creek Corrections Center, Plaintiff is directed to have his court reporter
20 contact Stafford Creek Corrections Center by **January 6, 2017**, to confirm the

1 deposition and provide the necessary information for the facility's security
2 procedures. The parties agreed that ECF No. 95 is the subpoena that the USM will
3 serve on Mr. Newell.

4 **IT IS FURTHER ORDERED** that the United States Marshal Service
5 **(USMS) are directed to serve the subpoena** located at ECF No. 95, pages 2-9, on
6 Travis Newell, an inmate at Stafford Creek Corrections Center, **by December 30,**
7 **2016.** The USMS are directed to contact the facility's legal liaison to facilitate the
8 service of the subpoena.

9 **IT IS SO ORDERED.** The Clerk of Court shall enter this Order, strike the
10 hearing date of January 6, 2017, and forward copies to the parties.

11 DATED December 6, 2016.

12 *s/Mary K. Dimke*
13 Mary K. Dimke
14 United States Magistrate Judge